

November 5, 1981

LB 7

what we are doing is we are saying that a strike, that if you are going to be penalized because you have participated in a strike, then participation will be such as is defined by the State of Nebraska in its unemployment compensation program. I don't necessarily think, incidentally, that the unemployment compensation language effectively narrows the numbers of persons who can be disqualified from benefits. I think all it does is it provides a very reasonable and responsible interpretation as to when an individual who is involved in a work stoppage which is the product of a strike will or will not be disqualified from ADC benefits. This is a very sound public policy that we are engaged in and I would wholeheartedly commend the adoption of this amendment to the body. By the same token, I can't believe that we are likely to be out of compliance and to lose whatever number of federal dollars are now at issue on this one. Why? Because again as I read the statute, the federal government only used the word "participate in a strike". That is what it used, and all we are doing is defining that definition. We are just defining that term, and our definition is not designed to narrow the base or anything else. It is designed to clarify it. So surely, surely the state has enough independence left in this federal system to at least be engaged... to at least be able to engage in some definitional activities without losing federal dollars. I again commend the amendment to you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. President and members of the Legislature, in looking at this that I just borrowed from Senator Chambers and listening to Dr. Johnson...Senator Vard Johnson, I was wondering, Senator Chambers, if we need all of this latter part of the amendment especially where it goes into immediately before the commencement of the strike, and so forth, and if there would be a problem with the word "immediately" contained in it.

SENATOR CHAMBERS: Senator Nichol, what I tried to do was to take the existing language from the statute. That particular language is already there and if it troubles you, I don't mind that being eliminated. But I wanted to take what already is there because it has been, as Senator Johnson pointed out, reviewed by courts. It is a part of the case law of the state. There is meaning in the courts to the language of this particular statute. So that is why it was taken as it exists in the law books now.

SENATOR NICHOL: Okay, thank you, Senator Chambers. I don't